

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHANNON WILLIAMS,

Defendant.

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Case No. 8:93CR27

ORDER

This case is before the court on the defendant's Motion (#661) to compel certain government witnesses (police officers from Arizona) to participate in a pretrial photographic lineup to determine if they can identify the defendant from said lineup. The defendant cites no authority for the motion and failed to file a brief in support of the motion. As the court is aware of no authority for the pretrial testing of witnesses' credibility or any exception to the standard practice of testing credibility by cross-examination, the motion is denied.

IT IS ORDERED:

1. The defendant's Motion to compel (#661) is denied.

2. Pursuant to NECrimR 57.2, a party may appeal this order by filing a "Statement of Appeal of Magistrate Judge's Order" within ten (10) business days after being served with the order. The party shall specifically state the order or portion thereof appealed from and the basis of the appeal. The appealing party shall file contemporaneously with the statement of appeal a brief setting forth the party's arguments that the magistrate judge's order ***is clearly erroneous or contrary to law***. The filing of a statement of appeal does not automatically stay the magistrate judge's order pending appeal. See NECrimR 57.2.

DATED August 26, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge